



REGULATION: FGCU-PR5.001

Effective Date
of Regulation:

Employee Compensation and Classification Plans

06/07/16

A. GENERAL APPLICABILITY

1. FGCU-PR5 regulations contain personnel regulations for University employees. These regulations have University-wide application by virtue of the authority granted to the University in Chapter 1001 Florida Statutes, and are supplemented by other University regulations, the Florida Board of Governors' (BOG) regulations, applicable federal and state laws, collective bargaining agreements and internal management memoranda containing procedures and guidelines for implementing University policies.
2. For purposes of these regulations, University employees are those persons who have been hired by the University into regular or temporary appointments and receive financial compensation to perform services for the University, and whose work is directed and controlled by the University. The term "employee" does not include volunteers or independent contractors.

B. DEFINITIONS

For the purpose of administering and interpreting the regulations and procedures of Chapter PR5, the following definitions and abbreviations shall apply:

1. *Academic Administrator*: An employee appointed in the General Faculty classification and pay plan, with responsibilities for University-wide academic programs at the college, unit, department or comparable levels. Such positions carry titles including Dean, Director and Chairperson. Faculty employees with administrative responsibilities serve at the pleasure of the university and, such responsibilities may be removed with or without cause.
2. *Administrative & Professional (A&P)*: Classification that provides management direction and control to university departments and/or work requiring knowledge of an advanced professional nature; and whose level of job duties meets the criteria for exemption under the Fair Labor Standards Act (FLSA).
3. *Executive Service*: Classification designated by the President, for those who report directly to the President and whose positions are responsible for policy-making at the executive level. Executive Services classification meets the criteria for exempt status under the FLSA.
4. *Faculty*: An employee whose appointment includes teaching, scholarship, and public service activities or who has administrative responsibility for functions directly related to the University's academic mission. Faculty titles or modifiers include: regular, acting, interim, adjunct, provisional, visiting, joint, research, clinical, courtesy, honorary/honoris causa, emeritus, affiliate, joint college, phased retirement and fixed and continuous multi-year.

- a) *In-unit*: Classifications which have been designated by the Public Employee Relations Commission as being part of a recognized bargaining unit that is represented by a bargaining agent.
 - b) *Out-of-unit*: Academic Administrator classifications which have not been designated by the Public Employee Relations Commission as being included in a recognized bargaining unit and which are not represented by a bargaining agent or employees who serve as members of the University Board of Trustees.
5. *FTE*: A designation which connotes a regular full-time equivalent position, or part thereof, as stated.
 6. *Probationary*: A modifier to the Support Personnel classification which indicates that the employee is on probation for a certain period of time.
 7. *Support Personnel (SP)*: Classification for paraprofessional, secretarial, clerical, technical, skilled crafts, service, maintenance, and other responsibilities. Support Personnel classification modifiers include regular, probationary, trainee, temporary, emergency, and time-limited, and may be exempt or non-exempt under the FLSA
 8. *Temporary positions*: Employees who are hired for a period of time not to exceed one year on an at-will basis by the University and are not entitled to receive benefits, except those required and/or provided by law. They provide exempt or non-exempt temporary employment.
 9. *Volunteer/Courtesy Faculty*: A person who provides services to the University with no expectation of monetary or other material compensation or consideration, or as part of a court-ordered program on a continuous, occasional, or one-time basis.

C. APPOINTMENTS AND CLASSIFICATIONS

The University shall provide for the following appointments and classifications, provided such are consistent with the Collective Bargaining Agreement (CBA), as appropriate:

1. Faculty Appointments
 - a) For in-unit employees, the terms, conditions and use of fixed and continuous multi-year appointments, tenure appointments and visiting appointments shall be in accordance with the provisions of the Collective Bargaining Agreement.
 - b) For out-of-unit faculty, the following appointments apply:
 - 1) Continuing Multi-Year Appointments (CMYA), consist of an initial three (3) year term extendible annually on the basis of overall satisfactory annual performance as determined through the evaluation criteria, standards, and procedures.

- 2) Fixed Multi-Year Appointments (FMYA) are for a defined period of two (2) to five (5) years. Such agreements may include the prospect of non-renewal at the end of the multi-year term, an offer of a successive fixed multi-year appointment, or the opportunity to request conversion to a Continuing Multi-Year Agreement (CMYA).
- 3) Visiting Appointments are fixed appointments of specific duration to a person who has appropriate professional qualifications but is not expected to be available for more than a limited period, or for a person in a position which the university does not expect to be available for more than a limited period. There is no commitment for renewal and the appointment may not exceed a total of four (4) consecutive years.

2. A&P and SP Classification

All persons classified as an A&P and SP employee carry the modifier 'regular' unless indicated otherwise in the offer letter. Accordingly, they may be terminated under various conditions including, but not limited to, those outlined in applicable University regulations and policies.

3. Other Personal Services (OPS) Classification

OPS classification are usually temporary in nature, provide only those entitlements required by state and/or federal laws and are exempt or non-exempt employment.

4. Executive Service Classification

All persons classified as executive service serve at the pleasure of the President, and may be reassigned, reclassified, or separated as the President deems appropriate, consistent with the provisions of FGCU-PR5.023, Separation from Employment.

D. REHIRING OF FORMER EMPLOYEES

Former employees seeking re-employment will apply to, and be processed by, the Human Resources Department in the same manner as new applicants. Former employees who were terminated for cause including, but not limited to, unsatisfactory performance, job abandonment, or misconduct are ineligible for rehire. Former employees who resigned in lieu of termination are also not eligible for rehire.

E. DISMISSAL/DISCIPLINE

The University may dismiss or discipline an employee during the term of employment in accordance with FGCU-PR5.016, Disciplinary Action; FGCU-PR5.023, Separation from Employment; and any other applicable university regulations, policies, procedures, and

applicable collective bargaining agreements.

Action by Florida Gulf Coast University Board of Trustees

Approved 06/07/16

Specific Authority

§§ 110.131, 110.501, and 1001.706 Florida Statutes; Board of Governors Regulation 1.001

History of Regulation

New 01/15/08; Amended 06/17/08, 10/21/08, 06/18/13, 06/07/16

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